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Thirtieth session

SUMMARY RECORD OF THE 787th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 27 May 2002, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATE PARTIES (agenda item 4)

Second periodic report of Belarus (CRC/C/65/Add.15; HRI/CORE/1/Add.70; written replies of the Government of Belarus to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of Belarus took places at the Committee table.

2. Mr. MALEVICH (Belarus), replying to a question on economic difficulties during the transition period, said that Belarus was in a better position than many of the other former Soviet republics. For example, unemployment in the territory of the former Soviet Union was 6.2 per cent whereas in Belarus it was only 2 per cent. The growth of the gross domestic product (GDP), another indicator, had decreased in all former Soviet republics in recent years whereas Belarus maintained an annual GDP growth of 3-4 per cent. The fact that decentralization was taking place more slowly than in other countries was mainly due to a concern to maintain employment levels. Although there was a high percentage of people living below the poverty line (37-40 per cent), there were other countries in south-eastern Europe with much higher levels. In addition to the difficulties of economic transition, Belarus still had problems resulting from the Chernobyl disaster which had taken up 7-15 per cent of the State budget. There was, as yet, no International Monetary Fund (IMF) strategy being implemented to reduce poverty, possibly because Belarus was not among the poorest countries and therefore not a priority. However, his Government was ready to cooperate with international financial institutions and the IMF was already playing an important role in the Chernobyl clean-up operation.

3. Ms. PANFEROVA (Belarus), replying to a question on the review of domestic legislation and practices to ensure the best interests of the child, said that both inspectorates and social and pedagogical centres existed for the protection of children throughout the administrative territory of Belarus. The 27 social and pedagogical centres provided assistance to families and helped integrate disabled children into society.

4. According to State policy, deprivation of parental rights was reserved as a last resort. Various bodies assessed whether the removal of a child from its parents was absolutely necessary and the courts worked with families to provide social and psychological assistance and monitor the child's situation. If a court decided to remove a child it did so only after consulting with other bodies. Much work had been done on developing a network of centres for the protection of children and families in Belarus. The centres were subdivided into areas responsible for the placement of children with host families, health care, social and economic assistance, the rehabilitation of young people and adolescents and emergency care. The work was designed to help socially vulnerable groups such as families with many children and those with disabled children. In addition to the social protection centres there were 26 pedagogical centres, 65 shelters and centres for re-education and rehabilitation. The idea was to provide assistance to families before problems reached the courts.

5. The CHAIRPERSON said that despite the efforts mentioned, there were still 4,000 cases a year of parents deprived of their rights, that was a high number. He asked what body was responsible for a child removed from its parents and whether it had the right to put the child up for adoption.

6. Ms. TIGERSTEDT-TÄHTELÄ asked whether parents deprived of their rights were allowed to meet their child.

7. Ms. PANFEROVA (Belarus) explained that decisions to deprive parents of their rights were always taken by the courts and that meetings could be arranged between the child and its parents if the court believed that would not contradict the best interests of the child. As the various centres and the system for accommodating children in host families had only been in existence for two years, arrangements were still new. If parents were deprived of their rights, the fate of the child was decided by child protection bodies which tried to place children in host families or find them adoptive families. If adoption was not a possibility the child would be sent to a boarding school or children's home.

8. The CHAIRPERSON asked whether in Belarus responsibility for a child was handed over to a family member or a State body and whether the person/body could make decisions concerning the child.

9. Ms. PANFEROVA (Belarus) said that child protection bodies were attached to the Ministry of Education, which was in theory responsible for children removed from their parents. However, a child could also be placed under the guardianship of an older sibling, relative or other individual.

10. Ms. TIGERSTEDT-TÄHTELÄ asked whether there was one specific child protection body or whether they were decentralized.

11. Ms. PANFEROVA said that child protection bodies were decentralized. In reply to a question on State assistance to families she explained that families received allowances for children under and over three and that additional payments were available for children born out of wedlock, children raised by a single parent, children under the care of one parent, guardian or tutor and disabled children under 18. Targeted social assistance was also provided to families with more than three children; families caring for minors where one parent was disabled; families where both parents were registered as unemployed and families in which the main provider was either disabled or a minor.

12. Ms. TIGERSTEDT-TÄHTELÄ asked whether the benefits were paid automatically or had to be applied for and whether they were means-tested.

13. Ms. PANFEROVA (Belarus) said that according to the law, every women had the right to three years' paid maternity leave, and where the father or another person was directly responsible for the care of the child, he or she received the payment instead. There was no need to apply for such assistance.

14. State policy concerning disabled children was designed to help them integrate into society. Under a nationwide programme of action for the children of Belarus measures had been included for the integration of disabled children, with a budget of 40.7 billion roubles for the period 2001-2005. Families with a disabled child under 18 received special allowances with the possibility of increments of up to 50 per cent. Disabled children were also taken care of by the Belarus Centre for Disabled Children. The Government focused efforts on changing attitudes towards the disabled in society. Famous figures had been taking part in awareness campaigns throughout the country, there had been a TV advertising campaign and there were also children's forums in which disabled children participated. A programme of de-institutionalization was also under way, consisting of five major components: support for families through the establishment of social centres, provision of bodies for the protection of the disabled; adoption and placement of disabled children in families; procurement of jobs for disabled children from orphanages and other institutions and promotion of changes in social attitudes towards orphaned and disabled children.

15. Ms. SARDENBERG asked whether disabled children were able to attend regular schools.

16. Ms. AL-THANI asked whether the threefold increase in the number of children with disabilities was due to the Chernobyl accident. She was also concerned about the type and quality of care offered at "sanatoriums" and wished to know what they actually were.

17. Ms. KARP asked what support was given to disabled children to enable them to attend regular schools.

18. The CHAIRPERSON asked whether any special measures were taken to prevent children being born with disabilities, given that the numbers were disturbingly high.

19. Ms. PANFEROVA said that government policy regarding the education of disabled children was currently moving towards the idea of integrated education. In 1991 there had been 104 schools catering for psychologically affected children whereas in 2001 only 97 such institutions had existed.

20. There were a variety of sanatoriums in Belarus, some open only in the summer, some offering specialist treatment and medical care and some specializing in the care of disabled children which were open all year round. In addition to improving children's health the sanatoriums also provided educational facilities so that their schooling would not be affected.

21. Ms. AL-THANI asked why the children had to be removed from their home environment or family for treatment.

22. Ms. PANFEROVA said that the sanatoriums were aimed at the improvement of children's health, and offered them the possibility to rest, relax and receive medical treatment. Children were not forced to go there and not everyone had the opportunity to go. The sanatoriums were free of charge and were usually located in beautiful natural areas which the children obviously enjoyed.

23. Ms. SARDENBERG said that her question about whether disabled children attended regular schools had been meant to refer not only to those with psychological problems, but to children with physical disabilities as well.

24. Ms. PANFEROVA (Belarus) said that sanatoriums were of two types. One was a form of health camp, for rest and relaxation; the other provided health care and medical attention as well as rest. As for special schools, there were 7 for the blind or partially sighted, 8 for the deaf and 8 for the hard of hearing; there were 2 schools for children affected by poliomyelitis, 6 for those with speech problems, 14 for those with psychological disorders and 1 for children with other problems.

25. The CHAIRPERSON asked how many children affected by poliomyelitis attended regular schools.

26. Ms. AL-THANI said she wished to know why, in any case, such children needed to attend special schools.

27. Ms. PANFEROVA (Belarus) said that the delegation did not have information disaggregated according to types of illness; as already mentioned, the overall figure was some 5,400. Measures to integrate handicapped children into normal schooling were at an early stage, and it was hoped that a more detailed analysis could be provided in future. In general, the aim was to reduce the number of children in special institutions.

28. Pursuant to a law adopted on 14 July 2000, a Republic inter-ministerial council on the disabled had been established, headed by the Deputy Prime Minister, in which government authorities, disabled persons' associations and non-governmental organizations participated. Disabled persons were classified; those in the first and second categories, which included children, received free medicine, and those in the third category, consisting of adults, received subsidies of up to 50 per cent. Disabled persons also received preferential treatment in education and were provided with facilities such as teaching materials in Braille for the blind and modern communication devices for those with speech impediments. With regard to employment, Belarus businesses, whether private or not, received tax benefits if they provided work opportunities for disabled persons. The law prohibited the refusal of employment for such persons on grounds of disability alone. Disabled persons were not expected to do night or overtime work or to work longer than normal hours, and there were certain tasks that they were not allowed to perform. Moreover, their needs had to be taken into account in the design of all new premises and facilities.

29. Roma children had the same rights as those of other groups and no problems had come to light with regard to them, as far as she was aware. In addition to the Belarusian and Russian languages, schooling was available in Polish, Lithuanian, Ukrainian and Hebrew. There were also schools providing education for other ethnic groups in their own languages. Statistics on the number of Roma children in schools were not available, but her delegation would seek details.

30. Ms. TIGERSTEDT-TÄHTELÄ said that most European countries had found it difficult to integrate Roma children in schools. She was aware of an NGO in Belarus concerned with the Roma community, and suggested that the Belarus authorities should contact it.

31. Mr. MALEVICH (Belarus) said that the law not only banned corporal punishment of children but required persons aware of such acts to bring them to the authorities' attention. The practice doubtless continued in families clinging to traditional ways; cases had been noted in a recent survey prepared by NGOs. The aim, however, was to eradicate it by means of education. In that regard, younger parents understood, better than the older generation, the need to respect a child's personality and refrain from physical violence.

32. Ms. PANFEROVA (Belarus), replying to questions about military courts and school councils, said that the former's competence was limited to military matters. School councils did exist in many schools, and had considerable independence in decision-taking. On the question of relations with religious bodies, it was felt that, especially because of problems related to certain recently-formed sects, the maintenance of a minimum age of 15 years for choice of affiliation was in the interests of the child.

33. Ms. KARP asked what part the Government itself took in measures aimed at eradicating corporal punishment.

34. Ms. PANFEROVA (Belarus) said that action to discourage the inflicting of corporal punishment on children was exemplified by the campaigns and programmes carried out by a number of organizations, including the promotion of discussion groups including children and parents. In addition, teachers and psychiatrists working in schools were furthering the understanding of children's behaviour and related problems. State action included the banning of violent scenes in film screenings and television programmes; classification restrictions related to age groups and to times of showing.

35. Statistics on child deaths, some examples of which she cited, showed that the vast majority of child deaths and injuries stemmed from accidents and crime, rather than violence and mishaps in the home.

36. Mr. AL-SHEDDI asked whether the delegation had available any figures on cases of child suicide.

37. Ms. PANFEROVA (Belarus) said there was a wide range of NGOs working with children. They were independent of the State and worked within the terms of their own Charter. Some of them received financial aid from the State in the form of exemption from VAT for certain projects and assistance with repayment of debts, for example. It was important to involve them in drafting legislation on children's rights, and certain NGOs were already working with the Ministry of Labour on integrating children with disabilities.

38. The CHAIRPERSON invited Committee members to put their questions on the final cluster, health, education and special protection. Speaking in his capacity as a member of the Committee, he requested clarification of the distinction between primary, basic and secondary education (CRC/C/65/Add.15, para. 197), particularly in light of the statement "Basic schooling is compulsory for all children" in paragraph 198 of the report.

39. He asked for information on the status of the proposed new legislation on refugees (para. 246). He wished to know whether it abolished the rule that accompanied child refugees could be registered only if their parents had valid passports, a requirement that frequently impeded their registration. Unaccompanied children were particularly vulnerable, and he wondered whether provision was made for their naturalization or for immediate appointment of a legal guardian.

40. He would like to know the situation with regard to the juvenile justice system. The new Criminal Code that had come into force in January 2001 contained elements of juvenile justice, notably article 109, which referred to penalties that could be imposed on juvenile offenders. However, he was concerned because some of those penalties, such as fines, could apply only to those who were in work - i.e. those aged 16 or over: the only penalty then remaining for those aged between 14 and 16 was deprivation of liberty, which seemed a somewhat perverse effect of the legislation.

41. Lastly, he would welcome some information concerning the situation of working children. According to the report, child labour was not a major problem, but there were apparently four NGOs working in the area with the support of the International Labour Organization (ILO), and he wondered what their work involved.

42. Ms. KHATTAB said she still wished to know whether NGOs received government funding. According to reports, they were dependent on external funding, which had an adverse effect on their activities.

43. The report of Belarus did not touch on the question of commercial sexual exploitation of children, but there were reports of a great deal of activity in the Eastern European countries in that regard. She wondered what services the Government provided to child victims of trafficking, how such children were protected and rehabilitated, and whether any regional cooperation schemes had been implemented.

44. Ms. KARP said the alternative measures that could be imposed on juvenile offenders (CRC/C/65/Add.15, para. 279) were apparently not considered punishments, since they were administrative procedures. Yet they included fines, reparation and referral to special institutions, which did in fact amount to punishments, and she wondered how children's rights were protected during the administrative process.

45. Ms. AL-THANI asked for clarification of the provision that women could be granted three years' maternity leave mentioned in paragraph 143 of the report: was that unpaid leave, during which time they received a State benefit rather than their salary?

46. There were reports of a rapid rise in cancer rates in the Chernobyl area. With 400,000 children living in critical areas, she wondered what was being done in the way of screening and early detection. She also understood that infant mortality rates in Belarus had recently risen and she wondered why.

47. With 50 to 60 per cent of newborns likely to suffer thyroid problems as a result of iodine deficiency in their mothers, were any steps being taken to introduce more iodine into the diet?

48. The new national AIDS prevention programme 2001-2003 was perhaps not as comprehensive as it should be. There was a concern that it did not properly address the issue of vertical (mother-child) transmission. She wondered why there had been a delay in approving the plan to combat tuberculosis and HIV/AIDS, particularly as TB had reached almost epidemic proportions in Belarus and the World Bank had granted a three-year package of loans.

49. Smoking by children appeared to be accepted by both teachers and parents. Were there any anti-tobacco campaigns or other measures aiming to discourage smoking by children?

50. Mr. AL-SHEDDI said that, according to some reports, minorities made up 25 per cent of the population. Was that true? He would welcome clarification of the delegation's earlier statement that minorities had the right to establish schools and use their own language in schools. How was that right implemented in practice - did they have separate schools, for example, or merely follow different curricula in their own language?

51. He wondered whether minorities had the same rights to university education or whether admission was restricted by fee requirements or a quota. He would be interested to know why Belarus had not ratified the 1960 UNESCO Convention against Discrimination in Education and whether it was planning to do so.

52. He would appreciate some information regarding implementation of the human rights education plan approved by the Council of Ministers. Had textbooks been modified or programmes established in schools, for example? The Council of Ministers had also decided that school councils should include representatives of pupils: he wondered whether children's representatives would constitute a majority on such councils.

53. With regard to cultural activities for children and youth, he noted that libraries in certain villages had been closed for lack of funding. Was anything being done to rectify that situation? It was important for children to have access to information and libraries were an important source, particularly for children outside cities.

54. According to some reports, a lack of legislation meant that Belarus was a source of and transit point for trafficking in women, including women aged under 18. He would like to know what was being done to remedy that situation.

55. Mr. CITARELLA asked whether any steps had been taken to anticipate the genetic effects of the Chernobyl disaster on future generations.

56. He wondered whether education was free and compulsory in both primary and secondary schools or whether a distinction was made between those levels. He would like to verify whether access to secondary specialized and higher education was indeed based on competitive examination (CRC/C/65/Add.15, para. 189), which was different from the practice in other European countries.

57. There was a serious lack of juvenile courts. Were there any plans to establish more courts and provide specialized training for judges? One age group that appeared to suffer particularly from that situation was 14 to 15-year-olds, who, according to table 19 in the written replies to the list of issues, accounted for 1,327 juveniles convicted for serious crimes in 2001, out of a total of 5,031.

58. In the same table, there appeared to be a discrepancy between the total number of juveniles convicted in 2001 and the total obtained by adding the four subtotals for the different types of punishment and he wondered what the explanation was. Lastly, he inquired whether the data in that table had been provided by the Ministry of Justice or the Ministry of the Interior.

59. Ms. SARDENBERG asked whether any studies had been done to assess the extent of the problem of sexual abuse. With regard to Chernobyl, she would welcome information concerning the psychological impact of the accident, notably problems of stigmatization and psychosocial trauma.

60. There appeared to be a rather worrisome trend towards institutionalizing children. Did institutions such as boarding schools and orphanages have structural complaints procedures? Were the children given an opportunity to participate in making decisions that affected them? Lastly, referring to article 25 of the Convention, she asked whether there was a procedure for reviewing decisions to put children in such institutions.

The meeting was suspended at 5 p.m. and resumed at 5.10 p.m.

61. Ms. PANFEROVA said that the education system was modelled on the 12-year German system, of which the first 10 years were considered basic schooling.

62. The new legislation on refugees was receiving its first reading in Parliament. It aimed to bring Belarus into line with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Unaccompanied children aged under 18 who applied for asylum would be given temporary protection for 14 days while the authorities examined their case as a matter of priority in order to establish whether they qualified for international protection.

63. In the State education system, Polish, Lithuanian, Hebrew and Ukrainian were taught as minority languages. In addition, NGOs organized Sunday schools where minority languages and cultures were taught.

64. She had no information on children's representatives on the school councils. With regard to libraries, she said that not many had in fact been closed: between 1995 and 2000 the number of libraries had fallen from over 5,300 to 5,200.

65. Mr. MALEVICH (Belarus) said that although the latest figures revealed that the infant mortality rate was in decline, the World Health Organization (WHO) had recognized that there had been a significant increase in thyroid cancer and other diseases among children in areas affected by the Chernobyl nuclear accident. The disaster had been catastrophic for Belarus; the full scale of the medical consequences were not yet known and there were many converging opinions on the matter within the international medical community. It was not known whether the disaster had induced any long-term genetic disorders. A recent United Nations mission to Belarus to assess the human consequences of the accident had reported that, although there had been some improvements, the people living in affected areas continued to need attention. The main concern was that the phenomenally high financial costs of recovery were largely borne by the affected States themselves, despite some support from the international community.

66. Since the accident, a system had been developed to improve the health of children affected by the disaster; particular attention had been accorded to the early diagnosis of disease and effective health care and treatment. A scheme had been introduced under which thousands of children from affected areas were sent abroad during the summer to stay with families and to receive treatment.

67. The social and psychological effects of the disaster had also been tremendous. Special rehabilitation centres had been opened to help child victims to deal with acute psychological trauma. However, given that virtually the entire population had been affected psychologically by the disaster, it was impossible to provide adequate treatment for everyone. There was reason to believe that psychological trauma exacerbated the impact of physical diseases.

68. Efforts were being made to address the problem of tobacco abuse among young people; for example, a healthy lifestyle campaign had been launched together with programmes to help people to give up smoking. The use of tobacco was banned in schools.

69. Regrettably, HIV/AIDS and tuberculosis were growing public health concerns in Belarus. The prevalence of mother-to-child transmission of HIV/AIDS was particularly alarming. Several national programmes to control the epidemic had been introduced with the active participation of NGOs. The Government had recently approved a World Bank project to combat HIV/AIDS and tuberculosis; the programme was still in the preparatory stage. WHO was also providing support.

70. Ms. PANFEROVA (Belarus) said that the new Penal and Penal Procedure Code had been adopted in 1999 and included a chapter defining the specifics of administering juvenile justice. Subsequently, a series of legislative measures had been passed, addressing issues relating to juvenile justice. A national programme for the prevention of juvenile crime had been launched in 2001.

71. In response to the growing prevalence of drug abuse among children, a State programme had been introduced to combat the use of narcotic drugs and psychotropic substances and drug-related crime. An inter-ministerial drug control committee had been established. Comprehensive measures had also been taken to address the problem of alcohol abuse among children. Those initiatives had led to a significant decline in juvenile crime in recent years. The majority of crimes committed by juveniles were motivated by personal gain.

72. The Penal and Penal Procedure Code guaranteed the protection of juvenile rights and interests. Although it established the age of criminal responsibility at 16, it provided an exhaustive list of crimes for which a minor aged between 14 and 16 could be convicted, including murder, grievous bodily harm and rape. The only kind of punishment that could be meted out to those minors was a fine or deprivation of liberty. Only six types of punishment could be imposed on minors between the ages of 16 and 18; they ranged from deprivation of liberty to measures of corrective education, depending on the seriousness of the crime. The decision to apply such measures was always made by a judge in accordance with the provisions of the Penal and Penal Procedure Code. The judge was required to take into account factors which may have influenced the juvenile, such as the disintegration of his or her family unit or the influence of alcohol. In 2001, over a third of all the punishments imposed on juvenile offenders had been less stringent than the statutory minimum requirements. The Code also required the mandatory participation of a lawyer, legal representative, teacher or psychologist in the legal proceedings and stipulated that juvenile cases could be considered only by judges who had received special training from the Belarusian State University. The Supreme Council of Belarus would review the system of juvenile justice in July 2002. In reply to a question by Mr. Citarella, she said that steps would also be taken in 2002 to establish specialized juvenile courts.

73. Ms. KARP said that efforts had clearly been made to reform the juvenile justice system. She would be interested to know whether the Government had encountered any specific problems when implementing the reforms. The State party should also indicate whether further improvements could be made to the juvenile justice system.

74. The CHAIRPERSON invited the delegation to reply to the questions put by the Committee relating to the commercial sexual exploitation and trafficking of women and children.

75. Ms. PANFEROVA (Belarus) said that her Government had not conducted a major study into the crime of trafficking of women and children. However, steps had been taken to tighten control of the border with Poland. The Government recognized that greater efforts were needed to control the problem. It was hoped that the State party would soon be in a position to ratify the United Nations Convention against Transnational Organized Crime.

76. The CHAIRPERSON, speaking as a member of the Committee, said that he had been impressed by the considerable number of legislative measures adopted by the State party in recent years to improve the situation of children. In its concluding observations, the Committee would consider how those measures had been put into practice, in particular with regard to the administration of juvenile justice. It would also highlight the importance of independent human rights institutions and the role of NGOs. A particular concern was the disintegration of the family unit; as a result, the Government was increasingly being called on to develop its system of adoption and foster care in order to reduce the number of children placed in institutions. Child abuse and neglect also called for attention. In the area of health, the Committee was concerned about the spread of HIV/AIDS and the high prevalence of tuberculosis, which had reached almost epidemic levels.

77. Mr. MALEVICH (Belarus) said that his delegation welcomed the constructive comments and suggestions made by the Committee in the course of the debate. It was hoped that the Committee's concluding observations and recommendations would give a further impulse to Belarus in its efforts to promote and protect the rights of the child. It was also hoped that the United Nations would accord further attention to the situation of children in Belarus. The work of the regional office of the United Nations Children's Fund (UNICEF) in Belarus was highly valued by the Government.

The meeting rose at 6 p.m.